



ROME DIVISION
CIVIL MINUTE SHEET

FILED IN CLERKS OFFICE
U.S.D.C.
MAR 15 2004

By: *[Signature]* LUTHER D. THOMAS, Clerk
Deputy Clerk

☒ IN OPEN COURT ☐ IN CHAMBERS

DATE: 03/11/04 TIME: 9:30 a. m.

HONORABLE HAROLD L. MURPHY

SAMUEL M. JOHNSTON
COURTROOM DEPUTY

DENNIS J. REIDY
COURT REPORTER

IN RE: TRI-STATE CREMATORIUM

ROBERT SMALLEY
KATHERINE BARNETT
ALISTAIR E. NEWBERN

V.

CASE NO. 4:02-CV-41-HLM
MDL: 1467

ANDERSON DAVIS
SKIP PATTEY
CAMPBELL
FRANK JENKINS
J.J. WALKER
STEWART JAMES

CAUSE CAME ON FOR ☐ JURY ☐ NON-JURY TRIAL ON THE MERITS. Came the parties in person and/or as shown above.

PLAINTIFF(S) ☐ REQUEST OT CHARGE ☐ VOIR DIRE ☐ TRIAL MEMO/BRIEF ☐ STATEMENT OF CONTENTIONS

DEFENDANT(S) ☐ REQUEST OT CHARGE ☐ VOIR DIRE ☐ TRIAL MEMO/BRIEF ☐ STATEMENT OF CONTENTIONS

PLAINTIFF(S) ☐ PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

DEFENDANT(S) ☐ PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

☐ Whereupon the Court ordered that a jury be impaneled to try said issues, and after the Court had qualified the jurors for cause, and after counsel had exercised all peremptory challenges, the jurors selected to try said issues and were sworn, to wit:

- | | | | | |
|----|------------------|----|--|-----|
| 1. | SAME AS 03/01/04 | 5. | | 9. |
| 2. | | 6. | | 10. |
| 3. | | 7. | | 11. |

4.

8.

12

(X) THE RULE OF SEQUESTRATION (x) WAS ☐ WAS NOT INVOKED

HEARING/PRE-TRIAL/ EVIDENCE:

IN CHAMBERS: THE MARSH DEFENDANTS ANNOUNCE THEY HAVE SETTLED THEIR CASE; THE SETTLEMENT IS PRELIMINARY PRESENTED TO THE COURT AND THE COURT APPROVES THE SAME.

DR. LIAISON COUNSEL, ANDY DAVIS, REQUESTED THAT THOSE FUNERAL HOME DEFENDANTS WHO WERE PREVIOUSLY RELIEVED FROM THEIR FINANCIAL OBLIGATIONS TO PAY LIAISON COUNSEL DUE TO THE SETTLEMENT SHOULD NOW BEGIN TO CONTRIBUTE TO THE FUND UNTIL THE FINAL SETTLEMENT HAS BEEN COMPLETED. THE COURT REQUESTED THAT LIAISON COUNSEL DRAFT AN ORDER FOR ITS CONSIDERATION.

IN OPEN COURT: THE COURT ANNOUNCED THE CASE HAS SETTLED AND DISCHARGED THE JURY.

PLAINTIFF EXHIBIT 19 RETURNED

VERDICT:

JUDGEMENT:

COURT ADJOURNED AT: 12:25 P.M. UNTIL

☐ UNTIL FURTHER ORDER

☐ JURORS EXCUSED UNTIL THE ABOVE TIME UNDER THE USUAL CAUTION OF THE COURT.

(x) JURORS EXCUSED FOR THE TERM.

☐ JURORS EXCUSED AND DIRECTED TO RETURN TO THE JURY ASSEMBLY ROOM

**EXHIBITS RETURNED TO COUNSEL FOR ☐ PLAINTIFF ☐ DEFENDANT ☐ COURT REPORTER
☐ RETAINED BY THE COURT**

7 (Rev. 4/82)

EXHIBIT AND WITNESS LIST

TT

IN RE = TRI-STATE CREMATORY VS. LITIGATION

DISTRICT COURT
NORTHERN DIST. OF GA. / ROME

PLAINTIFF'S ATTORNEY

DEFENDANT'S ATTORNEY

DOCKET NUMBER

ROBERT SMALLEY

J. ANDERSON DAVIS

4:02-CV-41-HLM / MDL: 1467

TRIAL DATE(S)

03/01/04

SEEDING JUDGE

COURT REPORTER

COURTROOM DEPUTY

HAROLD L. MURPHY

DENNIS J. REIDY

SAMUEL M. JOHNSTON

F. J.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS* AND WITNESSES
19		3-8-04	Admitted		GBI MAP
6A		(R) 3-8-04			OPEN CASKET - PHOTO
6B		(R) 3-8-04			BUTLER BLDG. - PHOTO
6C		(R) 3-8-04			-PHOTO - INSIDE RED GARAGE BLDG
6D		(R) 3-8-04			-PHOTO - VAULTS - 80C -
6F		(R) 3-8-04			-PHOTO - VAULT - 80B - FRI 15 ^{UPON ARRIVAL} VIEW
6H		(R) 3-8-04			-PHOTO - ^{Box of Remains} FRI 15, VIEW ^{UPON ARRIVAL}
6I		(R) 3-8-04			-PHOTO - BOX REMAINS BODY #46 - DIXON
6K		(R) 3-8-04			-PHOTO - VIEW INSIDE VAULT AOC
6M		NOT			-PHOTO - BODY #12
6O		NOT			-PHOTO - SKELETON REMAINS
6P		NOT			-PHOTO - Panorama VIEW
6E		(R) 3-8-04			-PHOTO - VAULT
7.COV 2		(R) 3-8-04			-Photo - Body IN Vault #265
7.COV 3		(R) 3-8-04			-Photo - "
7.COV 4		(R) 3-8-04			-Photo - "
8-A		(R) 3-8-04			Photo - Body IN Vault #283
8-B		(R) 3-8-04			-Photo - "
8-C		(R) 3-8-04			Photo - "
8-D		(R) 3-8-04			Photo - "

*Include a notation as to the location of any exhibit not held with the case file or not available because of size.

(R) → Admitted for the Record ONLY

EXHIBIT AND WITNESS LIST – CONTINUATION

Page _____ of _____ Pages

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